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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003970

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TAGS: PGOV PREL I2

SUBJECT: COR ADJOURNS UNTIL DECEMBER 30; GOI OFFICIALS PROMISE THAT SESSION WILL CONTINUE INTO JANUARY

REF: A. (A) BAGHDAD SBU O/I OF 12/5/07

1B. (B) BAGHDAD 476

1C. (C) 06 BAGHDAD 4552

Classified By: Charge d'Affaires Patricia A. Butenis for reasons 1.4 (b) and (d).

11. (C) Summary: On December 6, Speaker Mahmoud Mashadani abruptly adjourned Iraq's Council of Representatives (CoR) until December 30. Mashadani's announcement was a bit of a surprise, as just one day earlier Deputy Speaker Khalid Attiya indicated to us that he was inclined to use parliamentary procedure to keep the current CoR session limping along (with many members away due to the hajj) until such time as a quorum could again be mustered (a tactic the CoR used in December 2006). While Mashadani's decision means that there will be no formal legislative progress during the next three weeks, the Prime Minister's Chief of Staff and the CoR Deputy Speaker both assured us on December 5 that the CoR will continue its regular four month session (set to end on December 31) into January in order to achieve passage of the 2008 budget as well as the Justice and Accountability Law (i.e., the de-Ba'athification law). End summary.

CoR Will Stick Around in January

12. (C) On December 6, CoR Speaker Mahmoud Mashadani abruptly adjourned the CoR until December 30. Mashadani's announcement came as a bit of a surprise, since on December 5 Deputy Speaker Khalid Attiya predicted that the CoR would keep its current session open, allowing for the possibility of conducting any business not requiring a vote through the end of the month, even in the absence of a quorum. (NB: This tactic worked for the CoR leadership in December 2006; see Ref C.)

13. (C) Multiple GOI officials assured us December 5 that the CoR would continue its regular four month session into January in order to pass key pieces of legislation including the 2008 budget and the de-Ba'athification law. Dr. Tariq Abdallah, the Prime Minister's Chief of Staff, told the CDA that there is agreement within the CoR to continue the session until both laws are passed. "All signs are positive, especially on the de-Ba'ath law," he said. Likewise, Deputy CoR Speaker Khalid Attiya assured PolCouns that the CoR would compensate for the upcoming hajj and eid by continuing the regularly scheduled session into at least January. Attiya made the same pledge to S/I Satterfield (septel follows). Attiya later gave a press conference in which he publicly announced the continuation of the CoR session through January, and reinforced the point during the December 5 CoR session.

Legal Basis for Extension

¶4. (C) As reported ref A, two provisions of the Iraqi constitution govern extensions of CoR sessions. The first, Article 57, says that the CoR has "two legislative sessions a year, lasting eight months." It further states that "the session in which the general budget is being presented shall not end until approval of the budget." The second provision, Article 58, second section, indicates that "the legislative session of the Council of Representatives may be extended for no more than 30 days to complete the tasks that require the extension, based on a request from the President of the Republic, the Prime Minister, the Speaker of the council, or fifty members of the Council of Representatives."

¶5. (C) The by-laws which govern the CoR further state in Article 22, first section, "The CoR has one annual legislative period with two legislative sessions over eight months. The first session starts on (the) 1st of March, and ends on the 30th of June. The second starts from (the) 1st of September, and ends on the 31st of December." The second section reiterates, "The legislative term in which the State General Budget is presented shall not end until after the approval of the budget." The CoR leadership can therefore extend the current session because the Budget Law remains pending.

CoR Attendance

¶6. (C) We are seeking attendance data from the CoR staff in order to analyze attendance patterns over the past month. Our initial analysis is that while CoR attendance is a legitimate problem (a point which Deputy Speaker Attiya drove home to members in yesterday's session), it has not been the primary impediment to progress on benchmark legislation in recent weeks. Deputy Speaker Attiyah expressed confidence to

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PolCouns that when a vote is needed, he and the bloc leaders will be able to ensure sufficient numbers are present to constitute a quorum.

Comment

¶7. (C) Comment: While it would have been preferable for the CoR members to remain at their desks despite the traditional hajj/eid break, Mashadani has bowed to what may have been inevitable. The good news is that, drawing on their experiences from December 2006 and January 2007, Dr. Tariq and Sheikh Khalid were visibly upbeat and confident that the continuation of the CoR session into January would provide the legislators ample time to finish enacting the budget and the de-Ba'ath law. Our strategy now should be to focus the CoR leadership on mustering a quorum when it reconvenes on December 30 and bringing both pieces of legislation to a third reading and vote as soon as possible.

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